

Application of: Romel KHAN, et al.  
Serial No. 09/683,753  
Filed: February 11, 2002  
Reply to Office Action of June 1, 2005

### REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of present amendment and in light of the following discussion, is respectfully requested.

Claims 1-18 are currently pending in this application. Claims 1, 7, 8, 10-14, 16 and 17 having been amended herewith, but no other claims having been added or canceled. The changes to the claims are supported by the originally filed specification. For example, the changes to claims 1, 7, 10 and 16 are supported by paragraph [0028] which discloses a unique address for each of the switches and by paragraph [0029] which states that switch SSCb takes over the unique address of switch SSCa when SSCa experiences difficulty. Moreover, the changes to claims 8 and 17 are supported by paragraph [0027] that states:

In FIG. 2, each softswitch (SSCa, SSCb and SSCc) controls the gateway (GW) only in its corresponding domain. In this example network, the GWs in domain of SSCa are GW1 and GW2. Similarly, the GWs in the domain of SSCb are GW3 and GW4, while GWs in the domain of SSCc are GW5 and GW6.

Thus, the switches control disjoint sets of voice gateways. The support for the change to the dependency of claim 16 can be found in claims 10 and 16 since claims 10 and 16 are both directed to a switch, and claim 16 was inadvertently not dependent on a switch claim. The changes to claims 11-14 are self-supporting and utilize the terminology with correct antecedent basis. Thus, no new matter has been added.

In response to the objection to the formatting of the specification, it is respectfully noted this application was filed as an electronic specification that was part of a USPTO

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pilot program. Any formatting rules that would normally apply to the application were waived as part of that program. Thus, it is respectfully requested that such a ground for objection be withdrawn.

In response to the objection to claim 10, it is respectfully submitted that claim 10 as originally presented is proper. Claim 10 recites “a memory to identify another switch for which the switch is to act as a backup” which provides antecedent basis for “the another switch” as used throughout the rest of claim 10. The objection on that ground should therefore be withdrawn.

In response to the objection to claim 16, that claim has been amended to depend on independent claim 10. Thus, that ground for objection is now moot.

In response to the rejection of claims 1-18 under 35 USC 103 as being unpatentable over U.S. Patent Nos. 6,081,591 and 5,473,599 (hereinafter “the ‘591 patent” and “the ‘599 patent,” respectively), applicants respectfully submit that the rejection is moot in light of the amendments to the claims. The office action admits that the ‘591 patent does not disclose “the specific limitation of having a second switch configured to emulate the address of the first switch and route calls on behalf of the first switch when the first switch is experiencing difficulty.” In fact, the ‘591 patent expressly states “Each of the elements and end points of signaling network 10 may be identified and addressed using unique point codes.” Without more, this would appear to be a direct teaching against “having a second switch configured to emulate the address of the first switch and route calls on behalf of the first switch.”

To attempt to overcome the deficiency of the ‘591 patent, the office action cites the ‘599 patent as teaching the limitation missing from the ‘591 patent. However, the ‘599 patent does not teach that the claimed limitations of “the first and second switches are remotely located and independently addressable with unique first and second

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addresses, respectively, when the first and second switches are not experiencing difficulty” and “a fourth computer code device controlling the second switch configured to emulate the unique first address of the first switch and route calls on behalf of the first switch when the first switch is experiencing difficulty.” Instead, the ‘599 patent discloses that “The host is configured so that the packets it sends to destinations outside of its LAN are always addressed to the virtual router.” Col. 2, lines 18-20. Thus, the address of the virtual router is not an address specific to a switch but is instead a virtual address that can be responded to by whichever router is considered the active router. Moreover, it is always the same address, regardless of which router is active, so there is no need for one switch to emulate the address of another.

In addition, the ‘599 patent expressly discloses “a router includ[ing] (1) a primary router address; [and] (2) a group virtual address which is adopted by the router when it becomes the active router of the network segment.” Col. 2, lines 32-35. Thus, while the ‘599 patent discloses unique addresses for routers, it does not use them for redundant routing. As specifically stated in the ‘599 patent, rather than emulating the unique address of the switch that is experiencing difficulty, the ‘599 patent adds a level of complexity by utilizing virtual group addresses instead. In order to achieve the claimed invention using the system of the ‘599 patent, the office action would have to alter the principle of operation of the system of the ‘599 patent. However, alterations in the principle of operation are a sign of non-obviousness. See MPEP 2143.01.

Furthermore, one of ordinary skill in the art would not have looked to the ‘599 patent to arrive at applicants’ claimed invention. Independent claims 1 and 10 recite that “the first and second switches are remotely located” and “the another switch and the switch are remotely located,” respectively. However, the ‘599 patent appears to be directed to routers that are not remotely located and should not be remotely located. The

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'599 patent is directed to the low level routing of packets from a host on a LAN to outside the LAN. See col. 1, lines 5-10. As such, both of the routers of the '599 patent must be located in close enough proximity that they can connect to the LAN of the host for which they are to route packets. In fact, this difference underlines the fact that the office action has never alleged that one switch/router of the '599 patent can route calls on behalf of another switch/router. The routers of the '599 patent can route packets, but not cannot route calls directly. It may be for this reason that even the '591 patent, which was filed after the issuance of the '591 patent, did not disclose the use of the two patents together. If the inventors of the '591 patent did not see how to combine the applied references, it is respectfully submitted that one of ordinary skill in the art would not have seen how to combine them either.

Accordingly, the rejection of independent claims 1 and 10 should be withdrawn – as should the rejection of the dependent claims depending from claims 1 and 10.

In addition to the reasons set forth above for the patentability of claims 1 and 10, claims 8 and 17 are also separately patentable. Claims 8 and 17 recite (1) that “the first and second switches control first and second disjoint sets of voice gateways, respectively, when the first and second switches are not experiencing difficulty” and (2) that “the another switch and the switch control first and second disjoint sets of voice gateways, respectively, when the first and second switches are not experiencing difficulty,” respectively. Both the applied patents utilize switches/routers connected to the same set of devices and not disjoint sets. As such, there is no teaching in those references of being able to route on behalf of different sets of gateways when the switches are not experiencing difficulty. Because the present invention can do so, the present invention can achieve some level of load balancing when the switches are operating properly which still achieving redundancy when one of the switches is experiencing difficulty. Thus,

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claims 8 and 17, and their dependent claims 9 and 18 should separately be indicated as allowable over the applied references.

Consequently, the pending claims are believed to be patentable over the cited references and in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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